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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,588	04/28/2006	Andrey Vyacheslavovich Agarkov	A1187 20001	3074
3000 7590 06/12/2009 CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOV, LTD. 11TH FLOOR, SEVEN PENN CENTER 1635 MARKET STREET PHILADELPHIA, PA 19103-2212				
EXAMINER STEPHENS III, JOSE S				
ART UNIT 3728		PAPER NUMBER		
NOTIFICATION DATE 06/12/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@crbcp.com

**Office Action Summary****Application No.**

10/595,588

**Applicant(s)**AGARKOV, ANDREY  
VYACHESLAVOVICH**Examiner**

JOSE S. STEPHENS III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. This Office Action acknowledges the applicant's amendment filed 28 May 2009. Claims 1-4 and 6-32 are pending in the application; and claim 5 has been cancelled.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 May 2009 has been entered.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1-4, 5-21, 23-28, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kachur et al. (US Patent 3,924,741).

With respect to claims 1 and 6, figures 1-5 of Kachur et al. teach a vessel (see figure 2) for multicomponent products comprising a receptacle 1 for a basic component 27; a cover 21 in a detachable connection with the receptacle; a container 2 for an introduced component 28, the container placed in an upper part of the receptacle, wherein the vessel has at least one channel (space that the dome 25 covers) for outputting an end product; at least one opening 9 in the container; a valve 12 uncovering the opening of the container to permit flow of the introduced component through the opening and mixing of the basic component and the introduced component in response to sliding the cover to an upper position, and the valve covering the opening of the container after uncovering the opening of the container to interrupt the mixing of the basic component and the introduced component in response to sliding the cover back to the first position to prevent a remaining portion of the introduced component from mixing with the basic component and provide dosed mixing of the basic component and the introduced component, and wherein the container and the valve are slidably connected. Kachur et al. does not teach the valve can move only rotationally along a ring guide member in response to rotating of the cover and wherein the cover can interact with the container or the valve. However,

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Official Notice is taken that it is old and conventional to provide threaded guide (threaded) members on two connected structures that mate with each other, like when a bottle cap is connected to a bottle through the use of threaded members for example. Therefore it would have been obvious to one having ordinary skill in the art at the time of invention in view of the Official Notice to provide guide members on the valve and the container so that the two are connected in an only rotational manner to control the movement of the valve when the cover is rotated.

With respect to claim 2, figure 3 of Kachur et al. teaches the valve is provided on an outer surface (outer surface of wall) of the container.

With respect to claim 3, figure 3 of Kachur et al. teaches the valve is provided on an inner surface (inner surface of wall) of the container.

With respect to claims 4 and 23, figure 3 of Kachur et al. teaches the upper part of the valve is made in the form of a neck.

With respect to claim 7, figure 3 of Kachur et al. teaches the container is made as an independent structural element.

With respect to claim 8, figure 3 of Kachur et al. teaches the valve is made as an element of the container.

With respect to claim 9, figure 4 of Kachur et al. teaches the channel for output of the end product is placed inside the container.

With respect to claim 10, figure 4 of Kachur et al. teaches the channel for output of the end product passes through the valve.

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With respect to claims 11 and 24, figure 1 of Kachur et al. teaches the vessel additionally has a tube 7 which is being arranged in the upper part of the receptacle and being connected to the channel for the output of the end product.

With respect to claim 12, figure 3 of Kachur et al. teaches the cover is connected to the container with the possibility of a detachable connection.

With respect to claim 13, figure 2 of Kachur et al. teaches the cover is rigidly connected to the container or the valve.

With respect to claims 14, 25, and 26, figure 2 of Kachur et al. teaches a resilient element 17 for the interaction of the cover with the container.

With respect to claims 15 and 27, figure 2 of Kachur et al. teaches the cover interacts with the container by its inner part.

With respect to claim 16, figure 2 of Kachur et al. teaches the inside part of the cover is flat.

With respect to claim 17, figure 2 of Kachur et al. teaches the inside part of the cover has a coupling element 24.

With respect to claim 18, figure 2 of Kachur et al. teaches the coupling element is made in the form a clamp.

With respect to claims 19 and 28, figure 3 of Kachur et al. teaches a coupling element 4 is mounted on the container.

With respect to claim 20, figure 3 of Kachur et al. teaches the coupling element is made in the form of toothed member.

With respect to claim 21, figure 4 of Kachur et al. teaches a removable cap 25 is arranged on the cover.

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With respect to claim 30, figure 4 of Kachur et al. teaches an output flow of the end product through the channel to the exterior of the receptacle wherein the output flow occurs without any movement of the container toward the exterior of the receptacle. Once the basic and introduced components are mixed together the container is already extended out toward the exterior of the receptacle, as seen in figure 3. Once in that position the end product is then able to pass through the channel to the exterior of the receptacle without any further movement of the container.

With respect to claim 31, figure 4 of Kachur et al. teaches the guide members guide a twisting movement of the container.

With respect to claim 32, figure 4 of Kachur et al. teaches the guide members are stationary with respect to the valve while guiding the twisting movement of the container.

6. Claims 22 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kachur et al. (US Patent 3,924,741) as applied to claims 2 and 3 above, and further in view of Silver et al. (US Patent 4,315,570).

With respect to claims 22 and 29, Kachur et al. does not teach blades mounted on the inside part of the container and valve. However, figure 7 of Silver et al. teaches blades 85 mounted on the inside part of a container. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vessel of Kachur et al. by incorporating the blades, as taught by Silver et al., on the container and the valve to mix up the components.

***Response to Arguments***

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shown are vessels analogous to applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSE S. STEPHENS III whose telephone number is 571-270-3797. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jose S. Stephens III/  
Patent Examiner, Art Unit 3728

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